

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**STEPHEN G. FELLS,
STEPHEN SNACK FOOD CANDY AND VARIETY,**

Plaintiffs,

Case No. 08-C-782

-vs-

**ED SCHAFER, Secretary of Agriculture, United States
Department of Agriculture, Food and Nutrition Service,**

Defendant.

DECISION AND ORDER

This matter comes before the Court pursuant to “Consent to Proceed Before a U.S. Magistrate Judge” forms filed by the defendant and by one of the *pro se* plaintiffs, Stephen Fells (“Fells”). Previously, the Court granted Fells’ motion to proceed *in forma pauperis* (“IFP”), but this grant also extended to Stephen Snack Food Candy and Variety.

Upon further review of this action, the real party in interest is Stephen Snack Food Candy and Variety, which was disqualified from participation in the USDA’s Food Stamp Program. Corporations cannot appear *pro se* in federal court, and one *pro se* litigant cannot represent another. *See* 28 U.S.C. § 1654; *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008). Additionally, Stephen Snack Food Candy and Variety is ineligible for IFP status. *See Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 203 (28 U.S.C. § 1915 applies only to natural persons, not corporations or other artificial entities).

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

1. The Court's previous Decision and Order [D. 3] is **VACATED** to the extent that it grants IFP status to Stephen Snack Food Candy and Variety;
2. Stephen Fells, in his individual capacity, is **DISMISSED** from this action for lack of standing;
3. Within thirty (30) days from the date of this Order, Stephen Snack Food Candy and Variety must retain and appear by counsel – **failure to comply will result in the dismissal of this action for want of prosecution;**
4. Within thirty (30) days from the date of this Order, Stephen Snack Food Candy and Variety must pay the filing fee (\$350) for this action – **failure to comply will also result in the dismissal of this action for want of prosecution.**

Dated at Milwaukee, Wisconsin, this 3rd day of November, 2008.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge